

**THE HONORABLE MARY JO HESTON**  
**CHAPTER 13**

**HEARING DATE: March 24, 2020**

**HEARING TIME: 1:00 P.M.**

**LOCATION: Tacoma, Washington**

**RESPONSE DATE: March 17, 2020**

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

Case No.: 20-40150-MJH

MICHAEL FLOYD SANDERS,

# TRUSTEE'S SUPPLEMENTAL OBJECTION TO CONFIRMATION WITH STRICT COMPLIANCE

Debtor.

**COMES NOW**, Michael G. Malaier, Chapter 13 Standing Trustee, and objects to confirmation as follows:

## BACKGROUND

Debtor filed this Chapter 13 case on January 18, 2020. The applicable commitment period is sixty months. The case is currently in the second month and the Meeting of Creditors has been completed. The bar date for filing non-governmental claims is March 30, 2020. Scheduled unsecured claims total \$84,439.81, and scheduled priority claims total \$4,000.00. The plan as filed proposes 100% repayment to non-student loan general unsecured filed and allowed claims and proposes to pay \$100.00 per month student loan claims with the balance to survive.

TRUSTEE'S SUPPLEMENTAL OBJECTION TO  
CONFIRMATION WITH STRICT COMPLIANCE - 1

Michael G. Malaier  
Chapter 13 Standing Trustee  
2122 Commerce Street  
Tacoma, WA 98402  
(253) 572-6600

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**OBJECTION**

☒ Other:

(1) Debtor filed an amended plan on March 16, 2020. ECF No. 17. He now proposes to pay his non-student loan creditors totaling approximately \$82,364.42 at 100% while proposing to pay his student loan creditors \$100.00 per month. Filed student loan claims currently total approximately \$14,107.91. It is unclear why Debtor is electing to pay off all of his dischargeable debt while proposing to pay approximately half of his non-dischargeable debt. Per Form 122C-2, Debtor's projected disposable income over sixty months is \$141,250.80, which is less than the amount of all filed unsecured claims, including his student loans. Debtor's plan should be amended to provide for 100% repayment of all unsecured claims to satisfy his disposable income requirement.

(2) Debtor proposes to pay his mortgage directly, but to pay an escrow shortage through the plan. To the extent the mortgage is current on payments, Trustee does not oppose that treatment; however, Trustee would request that language be added to Section X to explain the treatment.

**WHEREFORE**, Trustee requests that the objection to confirmation be sustained and Debtor be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee's Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee's issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

**DATED** this 17th day of March, 2020.

/s/ Mathew S. LaCroix

Mathew S. LaCroix, WSBA# 41847 for  
Michael G. Malaier, Chapter 13 Trustee

**CERTIFICATE OF MAILING**

I declare under penalty of perjury under the Laws of the United States as follows: I mailed via regular mail a true and correct copy of the Trustee's Supplemental Objection to Confirmation to the following:

Michael Floyd Sanders  
16621 – 94<sup>th</sup> Ave. Ct. E.  
Puyallup, WA 98375

OneMain  
P.O. Box 3251  
Evansville, IN 47731

The following parties received notice via ECF:

Ellen Ann Brown  
Nikole Montufar  
US Trustee

Executed at Tacoma, Washington on the 16<sup>th</sup> day of March, 2020.

/s/Tracy Maher  
Tracy Maher  
Office Manager  
Michael G. Malaier  
Chapter 13 Trustee